IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4193 OF 2006

M/s.Ashoka Buildwell and
Developers Pvt. Ltd. through its
Director Mr.Ashok M.Katariya .. Petitioner.
Vs.
Mr.Deepak Manaklal Katariya & Ors. .. Respondents.

Mr.R.S.Apte for the petitioner.
Mr.R.N.Sanghavi for respondent nos.1 and 2.

CORAM : D.B.BHOSALE, J.

DATED : 4TH OCTOBER, 2006

P.C.:

. Heard learned counsel for the petitioner and respondent nos.1 and 2.

2. The petitioner has impugned the following order:

> . "The issues proposed by plaintiffs Advocate have no concern with the matter in issue. On the contrary, the irrelevant issue will be framed by introducing the long lengthy issues proposed. Hence rejected."

3. Keeping in view the provision of Rule 5 of Order 14 of the Code of Civil Procedure I am not inclined to interfere with the order impugned in the present writ petition in my jurisdiction under Article 227 of the Constitution of India. It is always open for the court before passing a decree to amend the

issues or frame additional issues. In the circumstances this writ petition is dismissed. All contentions are left open for the parties to raise in further proceedings after disposal of the suit. The writ petition is, accordingly, disposed of.

(D.B.Bhosale, J.)